

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00074

Matthew Scott Hernandez,
Plaintiff,

v.

Palestine Police Department, et al.,
Defendants.

Before BARKER, *District Judge*

ORDER

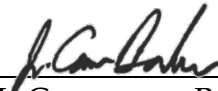
On March 4, 2019, plaintiff Matthew Hernandez filed this civil rights lawsuit under 42 U.S.C. § 1983. Doc. 1. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. Doc. 2. On August 14, 2019, Judge Love issued a report and recommendation recommending that this case be dismissed without prejudice for failure to prosecute and failure to obey a court order. Doc. 7. A copy of this report and recommendation was sent to plaintiff's last known address. On August 29, 2019, the copy of the report and recommendation that had been sent to plaintiff was returned to the clerk's office marked as undeliverable. Doc. 8. As a result, no objections to the report and recommendation have been filed.

A district court may dismiss an action where the plaintiff fails to prosecute his case or fails to comply with a court order. *See McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988) (the court may dismiss the action *sua sponte*); Fed. R. Civ. P. 41(b). Here, plaintiff has not communicated with the court since March 18, 2019. *See* Doc. 3. In the meantime, plaintiff missed his deadline to file an amended complaint, which he was ordered to do on June 11. Doc. 4. Plaintiff's failure to comply with this order and prosecute his case may stem from his failure to notify the court of his change of address or current

whereabouts. That possibility does not dissuade the court from dismissing this action. Under Local Rule CV-11(d), a *pro se* litigant is “responsible for keeping the clerk [of the court] advised in writing of his or her current physical address.”

Accordingly, the report and recommendation is **adopted**. Fed. R. Civ. P. 72(b)(3). The complaint is **dismissed** without prejudice for failure to prosecute. Fed. R. Civ. P. 41(b). All motions not previously ruled on are **denied**. The clerk of court is **directed** to close this case.

So ordered by the court on September 11, 2019.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge